

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GEORGE GATLIN,)	
)	
Plaintiff,)	No. 07 C 7212
)	
v.)	Judge Lefkow
)	
P.O. A. CRISCIONE, Star #16195,)	Magistrate Judge Cole
P.O. S. MULKERRIN, Star #17071,)	
ANTHONY CAPUTO, individually, and THE)	
CITY OF CHICAGO, ILLINOIS SOLUTION)	
GROUP, and BILL KAY CHRYSLER)	
)	
Defendants.)	JURY DEMANDED

PLAINTIFF’S MOTION TO COMPEL COMPLIANCE WITH SUBPOENA

NOW COMES the Plaintiff, George Gatlin, by and through his attorneys of record, Ed Fox & Associates, and respectfully moves this Court to enter to enter an order compelling Illinois Solutions Group to comply with a subpoena issued on July 16, 2008, by Plaintiff’s counsel. In support of this motion, Plaintiffs state as follows:

1. Plaintiff filed his First Amended Complaint adding Illinois Solution Group as a defendant on April 29, 2008. Plaintiff is in the process of effectuating service of summons on Illinois Solution Group, but at the time of this filing has not yet served this defendant.
2. On July 16, 2008, Plaintiff’s counsel issued a subpoena to Illinois Solution Group requesting the production of documents contained in the employment records of Anthony Caputo. (Exhibit A). Plaintiff requires these records in order to obtain Defendant Caputo’s last known home address so that Plaintiff may serve Caputo a summons in this case. Illinois Solutions Group was to produce these documents by July 30, 2008, and failed to do so.
3. Plaintiff has made the following attempts to serve Defendant Caputo:

- With waiver of service of summons via certified mail on January 2, 2008.
(Exhibit B). Caputo did not return the waiver.
- With summons by special process server on February, 23, 2008, February 26, 2008, February 28, 2008, March 3, 2008, and March 4, 2008. The process server stated that the defendant was in the office but would not come down to accept service. (Exhibit C).
- With summons by the Sheriff's Office of Cook County, Illinois on July 3, 2008, July 8, 2008 and July 9, 2008. These attempts to serve also failed. (Exhibit D).
- Plaintiff's counsel, Edward Fox, had a telephone conversation Caputo on July 9, 2008, informing him of Plaintiff's various attempts to serve him and inquiring when and where he would be available for service. Caputo would not give Mr. Fox the requested information.

4. As shown above, Plaintiff has made several attempts to serve Defendant Caputo in person in compliance with FRCP Rule 4(e)(2)(A). All of these attempts have been made at Caputo's place of employment. Plaintiff has been unable to discover Caputo's home address in order to attempt to serve summons on Caputo in compliance with F.R.C.P Rule 4(e)(2)(B).

5. Plaintiff therefore requests this Court to order Illinois Solution Group to comply with his subpoena issued July 16, 2008, so that Plaintiff may obtain Caputo's last known address.

6. Plaintiff had previously requested an extension of time to serve Defendant Caputo which expires August 1, 2008. Plaintiff requests an additional 60 days to serve Defendant Caputo. This case is in the early stages of discovery and defendants will not be prejudiced by this extension.

WHEREFORE, the Plaintiff, GEORGE GATLIN, by and through his attorneys of record, Ed Fox & Associates, respectfully moves this Court to order Illinois Solution Group to comply with his subpoena and grant Plaintiff an additional 60 days to serve Defendant Caputo.

Respectfully submitted,

/s/ Leslie C. McCoy
Leslie C. McCoy
ED FOX & ASSOCIATES
Attorneys for Plaintiff
300 W. Adams Street
Suite 330
Chicago, Illinois 60606
(312) 345-8877